

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 05-10859-NG

|                     |   |
|---------------------|---|
| MRS. ANN GAGLIARDI, | ) |
|                     | ) |
| Plaintiff,          | ) |
|                     | ) |
| v.                  | ) |
|                     | ) |
| SOVEREIGN BANK,     | ) |
|                     | ) |
| Defendant.          | ) |
|                     | ) |

**Plaintiff's Motion for Leave to File First Plaintiff's Amended Complain and**  
**Demand for Jury Trial**

Now comes the Plaintiff with this Motion for Leave to File First Plaintiff's Amended Complaint Demand for Jury Trial new information provided to the Court by the Defendant Sovereign Bank as part of its opposition to the Plaintiff's Motion for Preliminary Injunction.

As the Court is aware, the Defendant filed an opposition to the Plaintiff's Motion for Preliminary Injunction. Attached to the opposition, is the Affidavit of Bret E. Bokelkamp, a loan officer of the Defendant. The Bokelkamp Affidavit demonstrates that the Plaintiff has a very high likelihood of success in connection with the burdens required for the issuance Preliminary Injunction. The Bokelkamp Affidavit, in fact, is an admission which taken with various other documents, demonstrates that Sovereign

undertook a deliberate effort to fraudulently induce Plaintiff into signing a Guaranty, a Mortgage and an Assignment of Leases and Rents.

Given the importance of the Plaintiff's demonstrating the likelihood of success on the merits, the Plaintiff respectfully asks the Court to accept the Supplemental Memorandum because the Plaintiff believes that the information contained in the Bokelkamp Affidavit materially improves the Plaintiff's position. Further, the admissions contained in the Bokelkamp Affidavit were not known to the Plaintiff until the Defendant submitted the Bokelkamp Affidavit to this Court.

Respectfully Submitted,

Mrs. Ann Gagliardi,  
By her counsel,

**LAW OFFICES OF MICHAEL C. MCLAUGHLIN**

Dated: September 9, 2005      By: /s/ Michael C. McLaughlin, Esq.  
(BBO# 367350)  
One Beacon Street, 33<sup>rd</sup> Floor  
Boston, MA 02108  
(617) 227-2275

**CERTIFICATE OF SERVICE**

I certify that a copy of Plaintiff's Motion for Leave to File First Plaintiff's Amended Complaint and Demand for Jury Trial was served on the following person on this date and in the manner specified herein: Electronically Served Through ECF: Kathleen C. Stone, Esquire, counsel for the Defendant.

Dated: September 9, 2005

/s/ Michael C. McLaughlin, Esq.

**CERTIFICATION UNDER LOCAL RULES 7.1**

I, Michael C. McLaughlin, certify that I have conferred with opposing counsel and have attempted in good faith to resolve and narrow the issue.

Dated: September 9, 2005

/s/ Michael C. McLaughlin, Esq.

BBO# 337350

Law Offices of Michael C. McLaughlin

One Beacon Street, 24th Floor

Boston, MA 02108

(617) 227-2275